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Supreme Court, U.S.
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No. 00-914

In the

Supreme Court of the United States

Children's Healthcare is a Legal Duty, Inc.,
Bruce Bostrom and Steven Petersen,
Petitioners,

vs.

Nancy-Ann Min De Parle,
Director of Healthcare Finance Administration, et al.,

and

First Church of Christ Scientist,
Boston, Massachusetts,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

BRIEF OF AMERICANS FOR RELIGIOUS LIBERTY, THE AMERICAN HUMANIST ASSOCIATION, THE COUNSEL FOR SECULAR HUMANISM, AND THE AMERICAN ETHICAL UNION AS *AMICI CURIAE* IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF INTEREST OF AMICI CURIAE

Amici curiae[1] Americans for Religious Liberty (ARL), the American Humanist Association (AHA), the Council for Secular Humanism, and the American Ethical Union, are religious institutions, or civic and educational organizations dedicated to preserving the strict separation of church and state. Each organization takes the position that the 1997 Medicare and Medicaid Amendments creating and defining "religious non-medical health care institutions" (hereafter "RNHCI"), constitutes an establishment of religion in violation of the First Amendment to the United States Constitution. Each amicus curiae has set forth a separate statement of interest set forth in the Appendix to this Brief.

The parties hereto have consented to the filing of this amicus curiae brief. The letters of consent are also set forth in the Appendix to this Brief.

STATEMENT

The undersigned amici adopt and incorporate by reference as if fully set forth herein the portions of the Petition

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1Counsel for Amici Curiae authored this brief in its entirety. No one other than Amici Curiae, their members, or their counsel have made any monetary contribution to the preparation or submission of this brief.

for writ of certiorari designated "Opinions Below," "Jurisdiction," "Statutes and Constitutional Provisions Involved," and Statement of the Case.

REASONS TO GRANT THE WRIT

The decision of the majority of the United States Court of Appeals for the Eighth Circuit in the above-entitled matter, directly contradicts long-standing precedent of this Court as to what constitutes a legitimate secular governmental purpose, the extent to which government must accommodate private religious beliefs, the prohibition against denominational preference in governmental programs, and the nature of this Courts pronouncements prohibiting excessive entanglement between government and religion. In order to prevent the severe damage to long-established First Amendment establishment clause jurisprudence which this decision may cause, this Court should grant the petition for writ of certiorari, reverse the decision of the Eighth Circuit, and invalidate as an establishment of religion governmental funding of the RNHCI's.

I. INTRODUCTION

The First Amendment to the United States Constitution provides in pertinent part, "Congress shall make no law respecting an establishment of religion..." In *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971), this Court adopted

the following test to determine whether governmental funding of a religious institution passes muster into the Establishment Clause: (1) the statute must have a secular legislative purpose; (2) the principal or primary effect of the statute must be one that neither advances nor inhibits religion; and (3) the statute must not foster excessive governmental entanglement with religion. If a statute fails any portion of this test, it violates the First Amendment. In *Agostini v. Felton*, 521 U.S 203 (1997), this Court reaffirmed the *Lemon* test, but noted that the entanglement prong could be considered an aspect of the second test, the principal or primary effect of the aid. *Agostini*, this Court found three primary criteria to be used in evaluating whether governmental aid has the effect of advancing religion: (1) Whether the statute or programs in question "result in governmental indoctrination; define its recipients by reference to religion; or create an excessive entanglement." Id. at 234.

Especially as modified by *Agostini*, it is clear that governmental funding of RNHCI's miserably fails the *Lemon* test.

However, in *Larson v. Valente*, ,455 U.S. 228 (1982), this Court noted that before a *Lemon* inquiry was even necessary or required, a more fundamental question must be answered. It noted that the *Lemon* tests "are intended to apply

to laws affording a uniform benefit to all religions, (footnote omitted, emphasis by this Court) and not to provisions...that discriminate among religions (emphasis by this Court)." Id. at 252. Where a law discriminates among regions by creating a denominational of preference, such a law is subject to strict scrutiny and may be sustained only upon a demonstration that it is "closely fitted to further a compelling governmental interest." Id. at 251.

Consequently, the appropriate inquiry is first whether the law creates a prohibited denominational preference unsupported by a compelling state interest, within the meaning of *Larson*, and only if it passes that test is a *Lemon* inquiry even necessary.

II. GOVERNMENTAL SUBSIDY OF RNHCI's IS A DENOMINATIONAL PREFERENCE, UNSUPPORTED BY ANY COMPELLING STATE INTEREST.

In *Larson*, this Court clearly and unequivocally declared, "The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." Id. at 244.

The legislative history, as outlined in the Petition for Writ of Certiorari, clearly and unequivocally demonstrates that the current RNHCI funding scheme was nothing but such a

prohibited denominational preference. Prior to the 1997 amendments to the Balanced Budget Act, the Medicare and Medicaid statutes, 42 U.S.C. Sec. 1895 et seq. and 1396 et seq. provided specifically for funding of "Christian Science sanitori[a] operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts." It exempted such sanitoria from medical eligibility and oversight requirements demanded of all other participants in the Medicare or Medicaid program. This denominationally-identified funding was invalidated in *Children's Healthcare Is a Legal Duty, Inc. v. Vladeck*, 938 F. Supp. 1466 (D. Minn. 1996) (CHILD I).

The 1997 amendment to the Balanced Budget Act, which, for the first time created governmental subsidy for the RNHCI's was plainly intended by its authors to have the effect of restoring funding to Christian Science sanitoria and the practical effect of the definitions excludes virtually all other institutions from receipt of funding.

As noted by Judge Lay in this dissenting opinion in the Eighth Circuit:

> "In direct response to the [*CHILD I*] , Senator Orrin Hatch proposed an amendment to the law entitled 'Christian Science Sanitoria.' [Citation omitted.] This amendment stated that, as a result of *CHILD I*, 'unless [Medicare/Medicaid] is changed, large numbers of Christian Scientist

> who have paid in the Medicare for over 30 years will be denied access to the benefits they reasonably expected for care provided in Christian Science nursing care facilities.' [Citation omitted.] Thus, it is clear the sole impetus for the present law was the alleged plight of Christian Scientists." Petitioner's Appendix at App. 34-35.

Moreover, as also noted by Judge Lay in his dissenting opinion, the practical impact of the legal definitions is to exclude from RNHCI funding all that Christian Science Sanitoria.:

> "In practice, the statutes at issue encompass only Christian Science sanitoria. Under 42 U.S..C. Sec. 1395x (ss)(1)(C), all RNHCI benefits must be received in an institution that provides 'only nonmedical nursing items and services exclusively to patients who choose to rely solely upon a religious method of healing and for whom the acceptance of medica health services would be inconsistent with their religious beliefs.' Further, 42 U.S.C. Sec. 1395x(ss)(1)(D) and Sec. (G) exclude from the definition of RNHCI institutions that employ medical personnel or that affiliate with medical organizations. Despite the breadth of this language, no party has been able to point to any group beyond Christian Science sanitoria that presently qualify under the RNHCI provisions. Thus, the real operation of Section 4454 continues to select only Christian Science

sanitoria for a special benefit." Id. at App. 38.

The Eighth Circuit's reliance upon the apparent facial neutrality of the statutory language is unpersuasive at best.[2] The statutory language invalidated by this Court in *Larson* was, if anything, far more neutral than the language involved in the statute in the instant case. In *Larson*, this Court invalidated, as an impermissible denominational preference, an exemption from Minnesota's Charitable Solicitation Act those religious organizations "that received more than half their total contributions from members of affiliated organizations." *Larson* 452 U.S. at 231-232. This Court rejected the argument that this exemption did not grant denominational preferences but was merely "a law based upon secular criteria which may not identically affect all religious organizations," stating:

> "[The law] is not simply a facially neutral statute, the provisions of which happen to have a 'disparate impact' upon different religious organizations. On the contrary, Sec. 309.515, Subd. 1(b), makes explicit and deliberate distinctions between different religious organizations. We agree with the Court of Appeals' observation that the provision effectively distinguishes between 'well-

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2See Petitioner's Appendix at App.A-9.

> established churches,' that have 'achieved strong but not total financial support from their members,' on the one hand, and 'churches which are new and lacking in a constituency, or which, as a matter of policy, may favor public solicitation over general reliance on financial support from members,' on the other hand." Id. at 246, n. 23.

Indeed, if anything, the statutory definitions identified by Judge Lay in his dissenting opinion, supra, clearly and more particularly identify the church of Christ, Scientist than the Minnesota Charitable Solicitation Act identified the Unification Church, the Plaintiff in *Larson*.[3]

Plainly, given the fact that there exists an obvious denominational preference in the governmental subsidy involved

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3The majority opinion in the Eighth Circuit relies upon the fact that in *Larson*, the legislative history indicated that the statute was rewritten so as to exclude the Roman Catholic Church from its coverage. Appendix at App. 9-10. To be sure, such evidence was discussed by this Court in *Larson*. 452 U.S. at 254. However, there is plainly no indication in *Larson* that this Court would have decided the case any different absent such legislative history, and certainly the statements of Senators Hatch and Kennedy, relied upon in Judge Lay's dissenting opinion in the Eighth Circuit, supra, that the intention of the statute was directly to benefit the Christian Science Church is every bit as persuasive evidence of denominational preference.

in the instant case, there has been no showing that the statute in the instant case is narrowly fitted to advance such a compelling interest.[4]

III. THE RNCHI SUBSIDY FAILS THE *LEMON* TESTS FOR ESTABLISHMENT OF RELIGION.

A. THE STATUTE IN QUESTION PLAINLY HAS A RELIGIOUS LEGISLATIVE PURPOSE.

As already noted, supra, the first requirement of the *Lemon* tests is the requirement that a governmental enactment have a secular legislative purpose. In *Edwards v. Aguillard*, 482 U.S. 578 (1987), this Court declared:

> "'The purpose prong of the *Lemon* test asks whether government's actual purpose is to endorse of disapprove of religion.' [Citation omitted.] A governmental intention to promote religion is clear from the State and acts of law to serve a religious purpose...If the law was enacted for the purpose of endorsing religion, 'no consideration of the second or third criteria [of *Lemon*] is necessary.' [Citation omitted.]" Id. at 585.

Failure to identify a legitimate secular purpose is sufficient to invalidate the law. Id.

4As will be developed at greater length, infra, even under the more relaxed *Lemon* tests, no legitimate governmental interest has been advanced for the RNHCI program.

In its opinion, the Eighth Circuit majority asserts that the statute in question has a legitimate secular legislative purpose "because it removes a special burden imposed by the Medicare and Medicaid Acts upon persons who hold religious objections to medical care." Petitioner's Appendix at App. 14. The supposed "burden" arises because under *Sherbert v. Verner*, 374 U.S. 398 (1963), and *Thomas v. Review Board of Indiana Unemployment Security Division*, 450 U.S. 707 (1981), Christian Scientists are forced to choose between violating their religious beliefs or surrendering governmental benefits The conclusion is at odds with decades worth of decisions of this Court for several reasons:

First, and most importantly, unlike *Sherbert*, *Thomas*, or their progeny, no one is being deprived of any otherwise available governmental benefit because of his or her religious beliefs. In *Sherbert* and *Thomas*, persons were being denied a generally available governmental benefit, to-wit: unemployment compensation, because they would not accept employment which required them to violate their religious beliefs. By contrast if this statute were invalidated, no Christian Scientist would be denied access to any otherwise available governmental benefit because of his or her religious belief. The generally available governmental benefit, medical care, would be available

to any Christian Scientist who wanted it. The issue in the instant case is that, unlike the aggrieved parties in *Sherbert* and *Thomas*, who wanted unemployment benefits but were denied based upon their religious beliefs, Christian Scientists do not want the available governmental benefit in the instant, to-wit: medical care. Rather what they want is faith healing, a benefit not otherwise available.

This Court has never held that the mere fact that government makes a totally secular and non-discriminatory benefit available to the public at large, that that somehow obligates it or even permits it to make a religious benefit available at government expense to those who do not want the neutral and secular governmental benefit. Indeed, decisions of the Court have suggested exactly the contrary to be true.

For example, in *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973), this Court expressly rejected the argument that governmental funding for pervasively sectarian religious schools could be justified as a means of accommodating those parents whose religious beliefs required them to send their children to such schools. This Court stated:

> "It is true, of course, that this Court has long recognized and maintained the right to choose nonpublic over public education. [Citation

> omitted.] It is also true that a state law interfering with a parent's right to have his child educated in a sectarian school would run afoul of the Free Exercise Clause. But this Court repeatedly has recognized that tension inevitably exists between the Free Exercise and the Establishment Clauses [Citations omitted.], and that it may often not be possible to promote the former without offending the latter. As a result of this tension, our cases required the State to maintain an attitude of 'neutrality,' neither 'advancing' nor 'inhibiting' religion. (Footnote omitted). In its attempt to enhance the opportunities of the poor to choose between public and nonpublic education, the State has taken a step which can only be regarded as one 'advancing' religion. However great our sympathy [Citation omitted.] for the burdens experienced by those who must pay public school taxes at the same time that they support other schools because of the constraints, conscious and discipline,' [Citation omitted.], and notwithstanding the 'high social importance' of a State's purposes [Citation omitted.], neither may justify an eroding of the limitations of the Establishment Clause now firmly implanted." Id. at 788-789.

Moreover, this Court has repeatedly made it clear that accommodation of religion is a legitimate governmental purpose, only when governmental action in fact burdens the exercise of religion. As noted by Justice O'Connor in her

concurring opinion in *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327 (1987):

> "Of course, in order to perceive the government action as a permissible accommodation of religion, there must in fact be an identifiable burden on the exercise of religion that can be said to be lifted by the government action." Id. at 348, O'Connor, J. concurring (emphasis by Justice O'Connor).

Plainly, no such burden appears of record in the instant case. Not a scintilla of evidence was offered in the District Court to support the proposition that, in the absence of governmental subsidy, the Church of Christ, Scientist would not be able to fund every existing sanitarium. There was no showing that, in the absence of governmental funding, a single Christian Scientist would be denied access to faith-based care.[5]

Moreover, this Court has plainly held that the fact that government taxes individuals for an entirely secular program to which the individual objects is not such a burden. Compare *United States v. Lee*, 455 U.S. 252 (1982). Indeed, even a facially neutral law of general application which incidentally

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5As already noted, supra, the mere fact that the government funds medical care for secular purposes imposes no such burden. Compare *Nyquist*, supra.

criminalizes conduct necessary to a religious practice has been held not be burden the exercise of religion. See *Employment Division v. Smith*, 494 U.S. 872 (1990).

Finally, if "accommodation" required or even permitted government to fund a religiously-based alternative to every secular program to which some religious groups might object, think of the Pandora's box that would open. Would the Society of Friends then be entitled to a religiously-based alternative to the Pentagon budget? Would Jehovah's Witnesses, who object to voting, saluting the flag, and the pledge of allegiance, be thereby entitled to governmental subsidy of their own alternative religious symbols? The inherent absurdity of these propositions is its own answer.

Indeed, if religiously-based objections to an otherwise secular and religiously neutral governmental program were a basis for religious groups demanding government subsidy of a faith-based alternative to such programs, such accommodation might very well amount to the type of religious veto over governmental policy condemned by this Court in both *Larkin v. Grendel's Den, Inc.*, 459 U.S. 116 (1982), and *Board of Education of Kiryas Joel Village School Dist. v. Grumet*, 512 U.S. 687 (1994).

B. THE STATUTE HAS THE PRINCIPAL

EFFECT OF ADVANCING RELIGION.

In *Agostini v. Felton*, supra, 521 U.S. 203 (1997), this Court reaffirmed and refined the *Lemon* test in Establishment Clause cases involving governmental assistance to religious activity. Concerning the "effect" test, this Court in *Agostini* adopted "three primary criteria," to be used in evaluating whether governmental assistance has the effect of advancing religion: (1) whether the statute or program results in governmental indoctrination; (2) defines its recipients by reference to religion; or (3) creates an excessive entanglement. Id. at 234. It is clear that the RNHCI program miserably fails at least two out of the three tests:

First of all, it is unquestionable that the RNHCI program is defined exclusively by reference to religion. Title 42 U.S.C. Sec. 1395x(ss)(1), set forth in Petitioner's Appendix at App. 132, defines "religious nonmedical healthcare institution" as one that:

> "(C) provides only nonmedical nursing items and services exclusively to patients who choose to rely solely upon a religious method of healing and for whom the acceptance of medical health services would be inconsistent with their religious beliefs (emphasis supplied);...
>
> (F) on the basis of its religious beliefs; does not

> provide through its personnel or otherwise medical items and services (including any medical screening, examination, diagnoses, prognosis, treatment, or the administration of drugs) for its patients (emphasis supplied)..."

Secondly, and more importantly, the RNHCI program clearly entangles government with religion. The statutory provisions in question plainly exempt RNHCI's from all governmental oversight, including any assurance of quality of treatment.[6]

The result is that all decisions as to who is admitted to an RNHCI, and thus who receives government funding therefor, the length and nature of the stay, the length and nature of the treatment, and therefore the extent of the expenditure of governmental funds are made exclusively by religious authorities for exclusively religious reasons.

This type of religious veto over governmental programs is precisely what this Court condemned in both *Larkin v.*

6See Title 42 U.S.C. Sec. 1395x(ss)(2) and (3), and Sec. 1395i-5, Appendix at App. 133-135. Moreover, since Christian Science denies the very existence of medically-defined disease and relies exclusively on prayer and religious method for treatment, any attempt at governmental supervision would plainly be unconstitutional under this Court's decision in *United States v. Ballard*, 322 U.S. 78 (1944).

Grendel's Den, Inc., supra, 459 U.S. 116 1982), and *Board of Education of Kiryas Joel Village School District. v. Grumet*, supra, 512 U.S. 687 (1994). In *Larkin*, this Court invalidated the grant of a veto power to churches over the governmental decision to grant or deny a liquor license within a given distance from the church; in *Kiryas Joel*, this Court invalidated the creation of a special public school district, whose geographical boundaries coincided with an enclave of Satmarer Hasidic Jews. In both cases, this Court had two concerns: First of all, that the governmental actions brought about a "fusion of governmental and religious functions," by delegating "important discretionary governmental powers" to religious bodies, thus "impermissibly entangling government and religion." *Larkin*, 459 U.S. at 126, 127, *Kiryas Joel*, 512 U.S. at 696-697.

Secondly, this Court noted that in both such instances, the government lacked "any effective means of guaranteeing that the delegated power [would] be used exclusively for secular, neutral, and non-ideological purposes." *Larkin*, 459 U.S. at 125, *Kiryas Joel*, 512 U.S. at 697. The identical problems are plainly present in the instant case. The important, discretionary and ultimately governmental function as to who shall receive governmental funding, for what reason, and how long, are delegated exclusively to religious authorities.

Moreover, not only is there no guarantee that this delegated funding "would be used exclusively for secular, neutral, and non-ideological purposes," the guarantee is exactly the opposite. It is guaranteed that these governmental funds will be used exclusively to subsidize a healthcare system run solely on religious principles and using exclusively religious methods.

The reasoning of the Eighth Circuit majority on these questions is plainly both unpersuasive and inconsistent with the precedents set by this Court. First of all, the Eighth Circuit majority argues the *Agostini* framework, particularly the requirement that aid not be defined "by reference to religion," is inapplicable in those cases in which the governmental interest is accommodation designed to alleviate government-imposed burdens on religious practices and belief. Appendix at App. 18-19. There are two fundamental problems with this argument:

First, as already noted, supra, there exists in this case absolutely no governmentally imposed burden upon religious belief which requires any accommodation.

Secondly, this Court has made it clear that accommodation cannot include the type of governmental subsidy and endorsement of religious belief and practice which the RNHCI program entails. In this regard, the Eighth Circuit relies upon this Court's decision in *Corporation of Presiding*

Bishop of Church of Jesus Christ of Latter-day Saints v. Amos, supra, 483 U.S. 327 (1987).[7] However, even the opinion of this Court in that case provides scant support for the type of religious endorsement at issue here. In that case, this Court noted:

> "There is ample room under the Establishment Clause for 'benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference' [Citation omitted, emphasis supplied.] At some point, accommodation may devolve into 'an unlawful fostering of religion'...[Citation omitted.]" Id. at 334-335.

Clearly, this case, involving direct government sponsorship and clear fostering of religion cannot possibly be held to be a legitimate accommodation of religion, especially where, as here, there is no government-imposed burden on the exercise of religion which needs accommodation.[8]

7Petitioner's Appendix at App. 19.

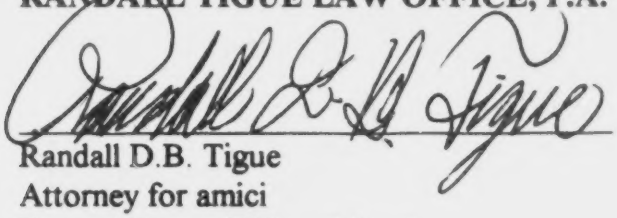
8It should also be noted that the Eighth Circuit attempted to avoid the plain effect of the legislation as advancing religion by asserting that the faith-based care in the instant case is a mere "subset" of the larger universe of medical care. App. at App. 21. The most charitable characterization of this argument is that it is nonsense. Faith healing is obviously no more a "subset" of medical care than geocentrism and

CONCLUSION

For all of the foregoing reasons, the petition for writ of certiorari should be granted, the decision of the United States Court of Appeals for the Eighth Circuit reversed, and the RNHCI program declared unconstitutional as an establishment of religion, in violation of the First Amendment to the United States Constitution.

Respectfully submitted,

RANDALL TIGUE LAW OFFICE, P.A.



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astrology are "subsets" of astronomy or than creation science is a subset of evolution. Compare *Edwards v. Aguillard*, supra.

APPENDIX INDEX

Statement of amici A.1

Letters of consent A.3

A.1

STATEMENTS OF AMICI

Americans for Religious Liberty (ARL) is a national nonprofit public interest educational organization, founded in 1981, dedicated to ending religious liberty and the constitutional principle of separation of church and state. ARL has been a friend of the court in numerous briefs filed in the United States Supreme Court.

The American Humanist Association (AHA) is a national educational and philosophical organization founded in 1941. The AHA and its members strongly support the constitutional principle of separation of church and state. The AHA has appeared as a friend of the court in a number of cases before the United States Supreme Court.

The Council for Secular Humanism is a national nonprofit and educational and advocacy organization, founded in 1980 to promote the principles of free inquiry, to preserve the separation of church and state, and to defend the rights of the non-religious and adherents of minority faiths. The Council (known before 1996 as the Council for Democratic and Secular Humanism or CODESH has been a friend of the court in a number of cases before the United States Supreme Court.

The American Ethical Union, founded in 1889, is a federation of Ethical Culture Societies and fellowships through out the United States. Ethical Culture is a humanistic religious and educational movement inspired by the idea that the supreme aim of human life is working to create a more humane society. The American Ethical Union has participated in a number of amicus curiae briefs in support of religious freedom and church-

state separation.

A.3

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January 23, 2001

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Re: Children's Healthcare Is A Legal
Duty, Inc. v. Min. De Parle,
No. 00-914

Dear Mr. Tigue:

Respondent the First Church of Christ, Scientist consents to your filing of an amicus brief, on behalf of Americans for Religious Liberty, et al, in support of the petition for certiorari in the above-entitled matter.

Sincerely,

Michael W. McConnell
cc: Solicitor General Barbara Underwood
Marci Hamilton, Esq.

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Marci A. Hamilton
Visiting Professor of Law

January 29, 2001

Randall Tigue, Esq.
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Mpls, MN 55408

Re: Children's Healthcare Is A Legal
Duty, Inc. v. Min De Parle,
No. 00-914

Dear Mr. Tigue:

On behalf of Children's Healthcare Is A Legal Duty, I am writing to consent to Americans for Religious Liberty, et al, to file an amicus brief in support of petition for writ of certiorari filed in the above-captioned case.

Sincerely,

Marci A. Hamilton
cc: Solicitor General Barbara Underwood; Michael McConnell

United Department of Justice
Office of the Solicitor General

Washington, D.C. 30530

February 28, 2001

Randall Tigue, Esq.
2940 Pillsbury Ave. S.
Mpls, MN 55408

Re: Children's Healthcare Is A Legal
Duty, Inc. v. Min De Parle,
No. 00-914

Dear Mr. Tigue:

As requested in your letter of February 28, 2001, I hereby consent to the filing of a brief amicus curiae on behalf of the Americans for Religious Liberty, the American Ethical Union, the American Humanist Association, and the Council for Secular Humanism in the above-entitled matter.

Sincerely,

Barbara D. Underwood
Acting Solicitor General
cc: William K. Suter, Esq.
U.S. Supreme Court